



PLANNING COMMISSION AGENDA

Wednesday, March 8, 2006

6:30 p.m. General Plan/Regular Meeting
Council Chambers, City Hall

200 East Santa Clara Street
San Jose, California

Bob Dhillon, Chair
Xavier Campos, Vice-Chair

Bob Levy Jay James
Dang T. Pham
Christopher Platten James Zito

Joseph Horwedel, Acting Director
Planning, Building and Code Enforcement

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you requested such an accommodation please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good evening, my name is **Bob Dhillon** and I am the Chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission Public Hearing of ***Wednesday, March 8, 2006***. Please remember to turn off your cell phones and pagers. Parking ticket validation machines for the garage under City Hall are located at the rear of the Chambers.

If you want to address the Commission, **fill out a speaker card (located on the table by the door or at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for this hearing is as follows:

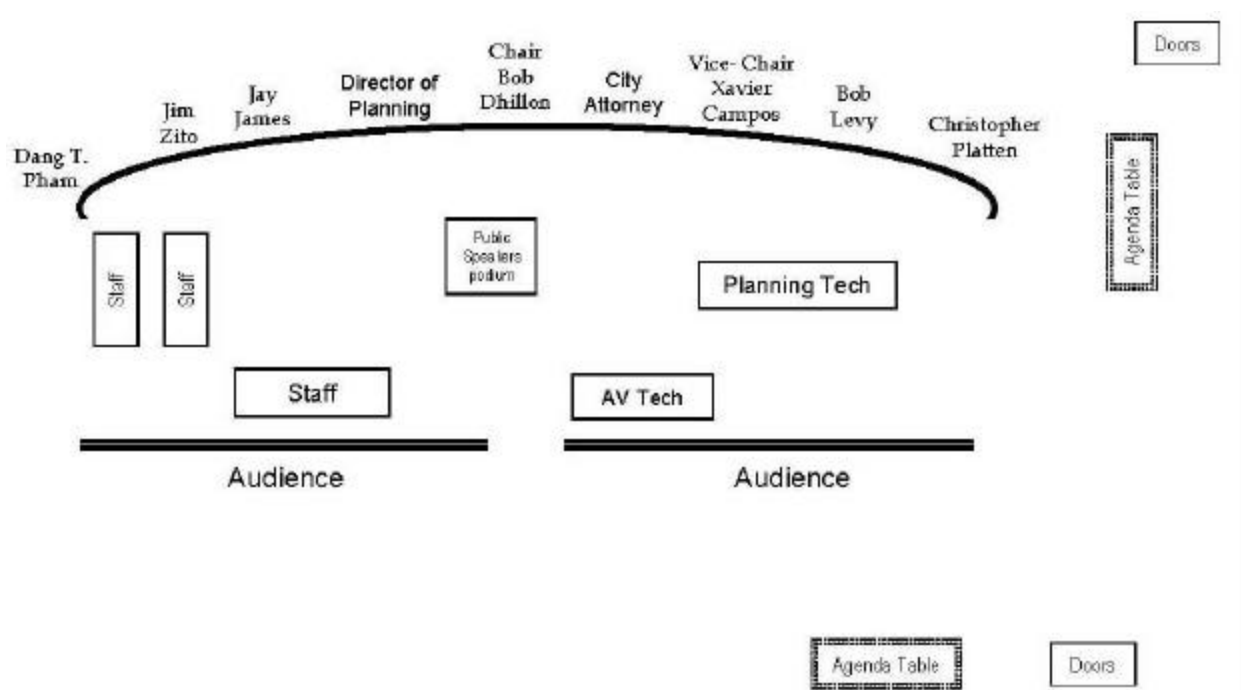
- After the staff report, applicants and appellants may make a 5-minute presentation.
- The chair will call out names on the submitted speaker cards in the order received.
- As your name is called, line up in front of the microphone at the front of the Chamber. Each speaker will have two minutes.
- After the public testimony, the applicant and appellant may make closing remarks for an additional five minutes.
- Planning Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The public hearing will then be closed and the Planning Commission will take action on the item. The Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item.

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Commission's action on rezoning, prezonings, General Plan Amendments and Code Amendments is advisory only to the City Council. The City Council will hold public hearings on these items. Section 20.120.400 of the Municipal Code provides the procedures for legal protests to the City Council on rezonings and prezonings. The Planning Commission's action on Conditional Use Permit's is appealable to the City Council in accordance with Section 20.100.220 of the Municipal Code. Agendas and a binder of all staff reports have been placed on the table near the door for your convenience.

Note: If you have any agenda questions, please contact Olga Guzman at olga.guzman@sanjoseca.gov

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San Jose Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. The remaining meeting schedule is attached to this agenda and the annual schedule is posted on the web at <http://www.sanjoseca.gov/planning/hearings/index.htm> Staff reports, etc. are also available on-line. If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

- a. **CP05-034**. Conditional Use Permit to replace an existing approximately 107,500 square foot commercial building with a new approximately 114,700 square foot commercial building and 34,768 square foot outdoor garden center on a 12.85 gross acre site in the CN Neighborhood Commercial Zoning District, located on northeast corner of Story Road and McGinness Avenue (HOME DEPOT) (2855 STORY RD) (Home Depot U.S.A. Inc., Owner/Developer). Council District 5. SNI: East Valley/680 Communities. CEQA: Mitigated Negative Declaration. Deferred from 02-16-06.

DEFER TO 3-22-06

- b. **CP05-067**. Conditional Use Permit to allow post-secondary school uses in an existing industrial park building on a 4.94 gross acres site in the IP Industrial Park Zoning District, located at/on Southeast corner of San Ignacio Avenue and Great Oaks Boulevard (50 GREAT OAKS BL)(Sobrato Development Companies, Owner). Council District 2. SNI: None. CEQA: Addendum to EIR. Deferred from 2-22-06.

DEFER TO 3-22-06

- c. The items being considered are located on the northeast corner of North Capitol Avenue and Grandview Drive (680 & 700 N CAPITOL AV). (Capitol Grandview, LLC., Owners; John Moniz, Pinn Brothers Construction, Inc., Applicant). Council District: 4. SNI: None. CEQA: Mitigated Negative Declaration.

1. **GP05-04-05**: GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram from Medium Low Density Residential (8 Dwelling Units/Acre) to Transit Corridor Residential (20+ Dwelling Units/Acre) on approximately two-acre site

DEFER TO 3-22-06

2. **PDC05-064**: PLANNED DEVELOPMENT PREZONING request from unincorporated County to A(PD) Planned Development Zoning District to allow up to 46 multi-family attached residences on approximately two gross-acre site.

DEFER TO 3-22-06

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. [CPA00-030-02](#). Conditional Use Permit Amendment to allow a time extension for a previously approved expansion of an asphalt batch plant on a 8.58 gross acres site in the HI Heavy Industrial Zoning District located on westerly side of Monterey Road approximately 280' southerly of Umbarger Road (2829 Monterey Road) (Raisch Investment Group Ltd, Owner). Council District 7. SNI: None. CEQA: Addendum to a Negative Declaration (File No. CP00-030). Deferred from 2-22-06.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Approve a Conditional Use Permit Amendment to allow a time extension for a previously approved expansion of an asphalt batch plant as recommended by Staff.

- b. [PDC05-086](#). Planned Development Rezoning from R-1-8 Residential Zoning District to the A(PD) Residential Zoning District to allow 6 single-family detached residences on a 0.83 gross acres site, located on the southeast corner of Hostetter Road and Sierra Creek Way (1495 STONE CREEK DR) (Mattos John R Ii Trustee, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from R-1-8 Residential Zoning District to the A(PD) Residential Zoning District to allow 6 single-family detached residences as recommended by Staff.

- c. [CP04-076](#). Conditional Use Permit to allow a wireless communications antenna and associated equipment building on a 0.01 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at northwest corner of Narvaez Avenue and Branham Lane (VTA Mr Rajwinder Sehdev, Owner; Nextel Of California Mr David Nay, Developer). Council District 10. SNI: None. CEQA: Exempt. Deferred from 2-22-06.

Staff Recommendation:

Approve a Conditional Use Permit to allow a wireless communications antenna and associated equipment building as recommended by Staff.

The following items are considered individually.

4. PUBLIC HEARINGS

- a. An Ordinance amending Title 20 of the San Jose Municipal Code, the zoning code, to further define and differentiate types of office uses, to set minimum sizes for industrial and commercial condominiums, and to make other clarifying changes, including changes to section 20.40.100 of Chapter 20.40, section 20.50.100 of Chapter 20.50, section 20.70.100 of Chapter 20.70, and Chapters 20.175 and 20.200 of the zoning code; and to make non-substantive clarifying changes to section 20.30.100 of Chapter 20.30 of the zoning code. CEQA: Exempt, PP06-012. Deferred from 2-22-06.

Staff Recommendation:

Recommend to the City Council approval of a proposed ordinance amending Title 20 of the San Jose Municipal Code to further define and differentiate types of office uses, to set minimum sizes for industrial and commercial condominiums, and to make other clarifying changes as recommended by Staff.

- b. The projects being considered are located on the North side of Park Avenue approximately 450 feet east of Sunol Street (777 PARK AV) (Frizzell Marilyn L And Glenn L Et Al, Owner; San Jose Lofts, LLC, Developer). Council District 6. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration.
 1. PDC05-037. Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to construct 122 attached live/work lofts and 2,500 square feet of retail on a 1.89 gross acres site.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to construct 122 attached live/work lofts and 2,500 square feet of retail as recommended by Staff.

2. STREET VACATION. Request to vacate 2,400 square feet of a public street along Park Avenue frontage.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of the vacation to the satisfaction of the Director of Public Works.

- c. [PDC05-002](#). Planned Development Rezoning from the R-M Residential District to the A (PD) Planned Development Zoning District to allow the demolition of an existing single-family residence and the construction of three single-family detached residential units on a 0.33 gross acre site, located on the southwesterly corner of State and Essex Streets (1391 STATE ST) (Martina Victor J, Owner). Council District 4. SNI: None. CEQA: Exempt.

Staff Recommendation:

Recommend to the City Council approval of a Planned Development Rezoning from the R-M Residential District to the A (PD) Planned Development Zoning District to allow the demolition of an existing single-family residence and the construction of three single-family detached residential units as recommended by Staff.

- d. [PDC05-060](#). Prezoning from Unincorporated County to A(PD) Planned Development Zoning District to allow up to 199 single-family attached residential units and two existing single-family detached residences on a 10.5 gross acre site, located on the southwest corner of Capitol Avenue and Mabury Road (781 N CAPITOL AV) (Messina Richard V, Messina Richard V Trustee & Et Al, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. Deferred from 2-22-06.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a proposed Prezoning from Unincorporated County to A(PD) Planned Development Zoning District to allow up to 199 single-family attached residential units and two existing single-family detached residences as recommended by Staff.

- e. [PDC05-077](#). Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 4,681 square feet for retail commercial uses with a drive-thru use on a 0.64 gross acre site located on the west side of South Winchester Boulevard, approximately 550 feet southerly of Stevens Creek Boulevard (369 South Winchester Boulevard) (Dennee Glenford V Jr Trustee, Owner; John Mackay, Developer). Council District 1. SNI: None. CEQA: Exempt.

Staff Recommendation:

Recommend to the City Council approval of a Planned Development Rezoning from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District to allow up to 4,681 square feet for retail commercial uses with a drive-thru use as recommended by Staff.

- f. [SF05-042](#). APPEAL of the Planning Director's decision to approve a Single Family House Permit for an addition of 492 square feet to the first story and 1,228 square feet to a new second floor to an existing single-family residence resulting in a 0.49 floor area ratio, in the R-1-8 Single-Family Residence Zoning District, located at 1031 Craig Drive (on the west side of Craig Avenue approximately 400 feet north of Edsel Drive). Council District 1. CEQA: Exempt.

Staff Recommendation:

Uphold Director's decision to approve a Single Family House Permit for an addition of 492 square feet to the first story and 1,228 square feet to a new second floor to an existing single-family residence as recommended by Staff.

- g. [PDC05-035](#). Planned Development Rezoning from A-Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 22 single-family detached residences on a 17.98 gross acre site, located on the east side of San Felipe Road, approximately 700 feet northerly of Silver Creek Road (Pan Clair General Partnership, Owner; Dal Properties LLC, Developer). Council District 8. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council approval of a Planned Development Rezoning from A-Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 22 single-family detached residences as recommended by Staff.

5. OPEN PLANNING COMMISSION WINTER HEARING ON GENERAL PLAN AMENDMENTS

6. GENERAL PLAN CONSENT CALENDAR

None

7. GENERAL PLAN PUBLIC HEARING CALENDAR

- a. [GP05-01-01](#): GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from General Commercial on 3.59 acres and Neighborhood/Community Commercial on 0.57 acres to Medium High Density Residential (12-25 DU/AC) on a 4.16-acre site located at the northwesterly quadrant of State Route 85 and S. De Anza Boulevard, and southerly of Kentwood Avenue (1295 Kentwood Avenue, 1181 S. De Anza Boulevard). (Groner Family Trust, Owners, Braddock and Logan Group/Sue Dillon, Applicant). Council District: 1. SNI: None. CEQA: Mitigated Negative Declaration.

Staff Recommendation:

Consider the Mitigated Negative Declaration and find it in compliance with CEQA. Recommend to the City Council no change to the General Plan as recommended by Staff.

8. CONTINUE PLANNING COMMISSION HEARING ON THE 2006 WINTER GENERAL PLAN AMENDMENTS FROM MARCH 8, 2006 TO MARCH 22, 2006

9. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
 1. Responding to statements made or questions posed by members of the public; or
 2. Requesting staff to report back on a matter at a subsequent meeting; or
 3. Directing staff to place the item on a future agenda.

10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

11. GOOD AND WELFARE

- a. Report from City Council
- b. Commissioners' reports from Committees:
 - Norman Y. Mineta San Jose International Airport Noise Advisory Committee (James).
 - Coyote Valley Specific Plan (Platten)
 - Evergreen East Hills Vision Strategy Task Force (Levy)
- c. [Review of synopsis](#)

12. ADJOURNMENT

2006 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 11	6:30 p.m.	Regular Meeting	Council Chambers
January 25	6:30 p.m.	Regular Meeting	Council Chambers
February 8	CANCELLED	Regular Meeting	Council Chambers
Thurs. February 16	6:30 p.m.	Regular Meeting	Council Chambers
February 22	6:30 p.m.	Regular Meeting	Council Chambers
March 8	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
March 22	5:00-6:20 p.m.	<i>Study Session</i>	T-332
Discussion of additional parkland and open space for the City (<i>Joint session with Parks Commission</i>)			
March 22	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 12	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
April 26	6:30 p.m.	Regular Meeting	Council Chambers
May 3	5:00 p.m.	<i>Study Session</i>	T-1654
		Review CIP	
May 3	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 24	6:30 p.m.	General Plan/Regular Meeting	Council Chambers
May 31	6:30 p.m.	Regular Meeting	Council Chambers
June 5	6:30 p.m.	Regular Meeting	Council Chambers
June 14	6:30 p.m.	Regular Meeting	Council Chambers
June 28	6:30 p.m.	Regular Meeting	Council Chambers
July 12	6:30 p.m.	Regular Meeting	Council Chambers
July 26	6:30 p.m.	Regular Meeting	Council Chambers
August 9	6:30 p.m.	Regular Meeting	Council Chambers
August 23	6:30 p.m.	Regular Meeting	Council Chambers
September 13	6:30 p.m.	Regular Meeting	Council Chambers
September 27	6:30 p.m.	Regular Meeting	Council Chambers
October 11	6:30 p.m.	Regular Meeting	Council Chambers
October 25	6:30 p.m.	Regular Meeting	Council Chambers
November 8	6:30 p.m.	Regular Meeting	Council Chambers
November 15	6:30 p.m.	Regular Meeting	Council Chambers
December 6	6:30 p.m.	Regular Meeting	Council Chambers